

Nuclear Regulatory Commission

§ 51.33

changes are made in the proposed action, or if significant new circumstances or information arise which bear on the proposed action or its impacts.

ENVIRONMENTAL ASSESSMENT

§ 51.30 Environmental assessment.

(a) An environmental assessment shall identify the proposed action and include:

- (1) A brief discussion of:
 - (i) The need for the proposed action;
 - (ii) Alternatives as required by section 102(2)(E) of NEPA;
 - (iii) The environmental impacts of the proposed action and alternatives as appropriate; and
- (2) A list of agencies and persons consulted, and identification of sources used.

(b) Unless otherwise determined by the Commission, an environmental assessment will not include discussion of any aspect of the storage of spent fuel within the scope of the generic determination in § 51.23(a) and in accordance with the provisions of § 51.23(b).

(c) An environmental assessment for a proposed action regarding a monitored retrievable storage installation (MRS) will not address the need for the MRS or any alternative to the design criteria for an MRS set forth in section 141(b)(1) of the Nuclear Waste Policy Act of 1982 (96 Stat. 2242, 42 U.S.C. 10161(b)(1)).

[49 FR 9381, Mar. 12, 1984, as amended at 49 FR 34694, Aug. 31, 1984; 53 FR 31681, Aug. 19, 1988]

§ 51.31 Determinations based on environmental assessment.

Upon completion of an environmental assessment, the appropriate NRC staff director will determine whether to prepare an environmental impact statement or a finding of no significant impact on the proposed action. As provided in § 51.33, a determination to prepare a draft finding of no significant impact may be made.

FINDING OF NO SIGNIFICANT IMPACT

§ 51.32 Finding of no significant impact.

(a) A finding of no significant impact will:

- (1) Identify the proposed action;
- (2) State that the Commission has determined not to prepare an environmental impact statement for the proposed action;
- (3) Briefly present the reasons why the proposed action will not have a significant effect on the quality of the human environment;
- (4) Include the environmental assessment or a summary of the environmental assessment. If the assessment is included, the finding need not repeat any of the discussion in the assessment but may incorporate it by reference;
- (5) Note any other related environmental documents; and
- (6) State that the finding and any related environmental documents are available for public inspection and where the documents may be inspected.

§ 51.33 Draft finding of no significant impact; distribution.

(a) As provided in paragraph (b) of this section, the appropriate NRC staff director may make a determination to prepare and issue a draft finding of no significant impact for public review and comment before making a final determination whether to prepare an environmental impact statement or a final finding of no significant impact on the proposed action.

(b) Circumstances in which a draft finding of no significant impact may be prepared will ordinarily include the following:

- (1) A finding of no significant impact appears warranted for the proposed action but the proposed action is (i) closely similar to one which normally requires the preparation of an environmental impact statement, or (ii) without precedent; and
- (2) The appropriate NRC staff director determines that preparation of a draft finding of no significant impact will further the purposes of NEPA.